MT LEGISLATIVE HISTORY

Chapter 311 1975

Bill H ____ (S) 329 Original bill & hist. ___C

H. Committee on Local Government		S. Committee on Local Government	
Hearing Date(s) March 12	✓C	Hearing Date(s) FEB 24	✓C
_____	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out _____	___C	FEB 24	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

LC 0338

Senate BILL NO. 327

INTRODUCED BY Warden, Neely, Blaylock, Manley, Kolstad, Graham, Himsl, Roskie, Goodover, LYNCH, Watt, Fasbender, Jergeson, Story, Murphy, Turnage, Halligan

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE GOVERNING BODIES OF COUNTIES, CITIES, OR TOWNS TO LEVY UP TO ONE (1) MILL UPON THE ASSESSED VALUE OF ALL TAXABLE PROPERTY IN THE COUNTY, CITY, OR TOWN FOR THE PURPOSE OF ECONOMIC DEVELOPMENT."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Levy authorized -- uses -- restrictions. (1) Upon an affirmative vote of fifty one percent (51%) of the qualified voters voting in a city, county, or town on the question of whether the governing body may levy a tax for economic development, the governing body of that city, county, or town is authorized to levy up to one (1) mill upon the assessed value of all the taxable property in the county, city, or town for the purpose of economic development.

(2) Funds derived from this levy may be used for purchasing land for industrial parks, constructing buildings to house manufacturing and processing operations, conducting preliminary feasibility studies, promoting economic development opportunities in a particular area, and other activities generally associated with economic development. These funds may not be used to directly assist an industry's operations by loan or grant nor to pay the salary or salary supplements of government employees.

(3) The governing body of the county, city, or town may use the funds derived from this levy to contract with local development companies, and other associations or organizations capable of implementing the economic development function.

-End-

CONSIDERATION OF SENATE BILL 300: Senator Warden presented her bill to the Committee stating she thought there was a definite need for this legislation. The county nursing homes and hospitals currently have no way to update or replace their facilities which causes them to remain in some cases in a state of neglect. The reserve fund would allow them to rehabilitate and update or even rebuild. She stated that the private homes and hospitals do have such a fund now and with the increase in life expectancy there are bound to be more and more people living in homes whether they are up to codes or not. Dean Zinnecker supported Senator Warden.

There were no opponents to the bill.

CONSIDERATION OF SENATE BILL 327: Senator Warden, chief sponsor of this bill, stated she had been asked to carry it by the State Chamber of Commerce. After checking it out, she decided to sponsor it. It is permissive legislation to enable any city who desires it to raise funds for an industrial park,etc. Mr. Boles, representing the Montana Economic Development Task Force, supported Senator Warden's statement. Dan Mizner and Dean Zinnecker also supported this legislation.

There were no opponents to the bill.

DISPOSITION OF BILLS:

Senate Bill 379: Senator Murphy made a motion to amend SB 379 as follows: Amend title, line 4 following "REQUIRING" Strike: "EIGHTY" and Insert "FIFTY"; amend page 1, Section 1, line 19 following "+" Strike: "eighty" and Insert "fifty"; amend page 1, Section 1, line 19 following: "percent" Strike: "80" and Insert "50". Seconded by Senator Thiessen. Motion carried.

Senator Thiessen made a motion that SB 379 DO PASS AS AMENDED. Seconded by Senator Murphy. Motion carried.

Senate Bill 300: Senator Goodover made a motion that SB 300 DO PASS. Seconded by Senator Watt. Motion carried.

Senate Bill 327: Senator Goodover made a motion that SB 327 DO PASS. Seconded by Senator Watt. Motion carried.

ADJOURN: There being no further business, the meeting was adjourned at 11:59 A.M.

MILES ROMNEY, Chairman

MR:dg
Exhibit A

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

44th LEGISLATIVE SESSION 1975 Date 2-22-75

NAME	PRESENT	ABSENT	EXCUSED
MILES ROMNEY, CHAIRMAN	✓		
V. S. CETRONE, V. CHMN.			
TERRY MURPHY	✓ 1:06		
CONNIE R. THIESSEN	✓		
ROBERT D. WATT	✓		
PAT M. GOODOVER	✓		
GEORGE McCALLUM	✓		
PETER STORY	✓		

Each day attach to minutes

NAME: J.H. Sabo DATE: _____

ADDRESS: Box 1736 Helena

PHONE: _____

REPRESENTING WHOM? Montana Econ. Dev. Task Force

APPEARING ON WHICH PROPOSAL: SB 307

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

☒ DO PASS
☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED
☐ BE HELD OVER
PRESIDENT

STANDING COMMITTEE REPORT

February 24 7

MR.

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE Bill No. 2..7

Respectfully report as follows: That SENATE Bill No. 327

DO PASS

MYLES ROLLEY Chairman

SENATE COMMITTEE LOCAL GOVERNMENT

Date [illegible] Bill No. 527 Time [illegible]

NAME	YES	NO
V. E. CETRONE, VICE CHAIRMAN		
TERRY MURPHY	-	
CONNIE R. THIESSEN	-	
ROBERT D. WATT		
PAT M. GOODOVER	-	
GEORGE McCALLUM		
PETER STORY	-	
MILES ROMNEY, CHAIRMAN	-	

Secretary

Chairman

Motion: [illegible]

(Include enough information on motion—put with yellow copy of committee report.)

but he feels it should be different. A sixty-forty split was suggested. Proponent, Dan Mizner, Executive Director of the Montana League of Cities and Towns, said there should be uniformity and that is what they are asking for. He will propose to amend the bill to sixty percent for cities and towns. Proponent, Dean Holmes, Mayor, city of Miles City, supports Dan Mizner's amendment. Proponent, Al Thelen, City Manager, Helena, supports the bill and Mr. Mizner's amendment. Dean Zinnecker, Executive Director, Montana Association of Counties, definitely opposed to any amendment and the bill, and if it comes out of committee with a do pass he suggests that it be amended to thirty percent.

Rep. Kendall arrived.

SENATE BILL 300: Senator Warden, chief sponsor, said this is an act to permit counties to establish a depletion allowance reserve fund for county operated hospitals and nursing homes. Proponents were Dean Zinnecker, Executive Director, Montana Association of Counties, and Rod Grudgel, Montana Nursing Home Association. Opponent, Ronald E. Brown, Department of Social and Rehabilitation Services, said you may have a conflict of law taking money from poor fund to a sinking fund to build facilities; it might prove to be a problem at some future date. The bill as written could result in state funding through grant-in-aid if county poor fund became depleted and have levied maximum mill levy of 13.5 mills for the poor fund.

Rep. Palmer was excused and left a note of his vote on the Senate bills with the Chairman.

SENATE BILL 327: Senator Warden, chief sponsor, said she was asked to carry this bill by the Montana Chamber of Commerce. It is an act authorizing the governing bodies of counties, cities and towns to levy up to one mill for the purpose of economic development. Proponent, Tom Winsor, Montana Chamber of Commerce, explained this allows for a vehicle to have matching funds in this area. The search for economic developments takes a long time. An important factor is that this must be at the citizens choice. Dean Zinnecker, Executive Director, Montana Association of Counties, was a proponent. There were no opponents.

The committee went into executive session.

SENATE BILL 327: It was moved by Rep. Robbins, seconded by Rep. Kummerfeldt, that SB 327 DO PASS. After a brief discussion, question was called. Roll call vote was taken. Those voting yes were: Reps. Kummerfeldt, O'Connell, Palmer, Robbins, and Gerke. Those voting no were: Reps. Asher, Bertelsen, Gwynn, Marks, Sivertsen, Wyrick, and Kendall. Motion lost. It was moved by Rep. Marks, seconded by Rep. Asher, that SB 327 DO NOT PASS. Motion carried. Reps. Kummerfeldt, Robbins and Palmer voted no. Reps. Magone and South were excused and Rep. Sloan was absent.

NAME Jan Margaret S Warlow Bill No. 3 & 7

ADDRESS _____ Date _____

WHOM DO YOU REPRESENT? Self

SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME Lyle Duncan Bill No. SB 342

ADDRESS HC Box Box Date

WHOM DO YOU REPRESENT? Montana Chamber of Commerce

SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

under this act. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

(15) No candidate omitted. The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided shall be omitted from the ballot.

(16) Office. The offices to be filled shall be arranged in the following order: "For director vote for (giving number)."

(17) Voting squares. Half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

(18) Spaces below printed names. Half-inch spaces shall be left below the printed names of candidates for each office, equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

(19) Votes necessary to elect. In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office, shall be declared elected; in case there are two or more persons to be elected to an office, as that of director, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected.

(20) Failure to qualify. If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as hereinafter provided.

(21) Mode of appointment by mayor. The mode of appointment of director or directors by a mayor, or by a board of commissioners, shall be by certificate of appointment signed by said mayor or mayors, or issued by said board of commissioners, and transmitted to the board of directors of said district.

(22) Informality not to invalidate. No informality in conducting district elections shall invalidate the same, if they have been conducted by directors to fill a vacancy, or appointed by a mayor or by this act."

Approved April 8, 1975.

CHAPTER NO. 311

AN ACT AUTHORIZING THE GOVERNING BODIES OF COUNTIES, CITIES, OR TOWNS TO LEVY UP TO ONE (1) MILL UPON THE ASSESSED VALUE OF ALL TAXABLE PROPERTY IN THE COUNTY, CITY, OR TOWN FOR THE PURPOSE OF ECONOMIC DEVELOPMENT.

Be it enacted by the Legislature of the State of Montana:

Section 1. There is a new R.C.M. section numbered 11-4111 that reads as follows:

11-4111. Levy authorized — uses — restrictions. (1) Upon an affirmative vote of a majority of the qualified voters voting in a city, county, or town on the question of whether the governing body may levy a tax for economic development, the governing body of that city, county, or town is authorized to levy up to one (1) mill upon the assessed value of all the taxable property in the county, city, or town for the purpose of economic development, for a period not to exceed five (5) years, by any one election.

(2) Funds derived from this levy may be used for purchasing land for industrial parks, constructing buildings to house manufacturing and processing operations, conducting preliminary feasibility studies, promoting economic development opportunities in a particular area, and other activities generally associated with economic development. These funds may not be used to directly assist an industry's operations by loan or grant nor to pay the salary or salary supplements of government employees.

(3) The governing body of the county, city, or town may use the funds derived from this levy to contract with local development companies, and other associations or organizations capable of implementing the economic development function.

Approved April 8, 1975.

CHAPTER NO. 312

AN ACT TO REQUIRE A JUDICIAL DESIGNATION OF CERTAIN FELONY OFFENDERS AS PERSISTENT FELONY OFFENDERS FOR PURPOSES OF PAROLE ELIGIBILITY; TO EQUALIZE GOODTIME ALLOWANCES FOR ALL OFFENDERS; TO ALLOW INMATES GOOD TIME FOR DESIGNATED SELF-IMPROVEMENT ACTIVITIES; AMENDING SECTIONS 80-1905, 95-3214, AND 95-3215, R.C.M. 1947.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 80-1905, R.C.M. 1947, is amended to read as follows:

"80-1905. Good time allowance — forfeiture — probationers and parolees — application of prior law. (1) The state department of institutions shall adopt rules and regulations providing for the granting of good time allowance for inmates employed in any prison work or activity. The good time allowance shall operate as a credit on his sentence as imposed by the court, conditioned upon the inmate's good behavior and compliance with the rules and regulations made by the department or the warden. *The* rules adopted by the department may not grant good time allowance to exceed:

(a) ten (10) days per month for inmates assigned within the confines of the walls of the prison;